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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,930	01/16/2004	Jie Zou	SKY03011	6524
25537	7590	07/13/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW WASHINGTON, DC 20036			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,930	Applicant(s) ZOU ET AL.	
	Examiner Eric M. Blount	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04072005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: Claim 15 introduces a method claim that depends upon an apparatus claim. It is unclear whether or not applicant intends for claim 15 to be an apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claims 29 and 31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what limitations are set forth by the use of the word "provider".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10-16, 19-25, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Novik [U.S. Patent No. 6,339,745].

Regarding **claim 1**, Novik discloses a method for managing a plurality of tracked objects; each tracked object corresponds with a telemetry device (see abstract). The method comprises receiving, from a web browser, a request for at least one action to be performed by the at least one corresponding telemetry device and transmitting, to the at least one corresponding telemetry device, a message including information indicating the at least one action, wherein the web browser is configured to display at least one geographical map indication of at least one location of each tracked vehicle (Figures 1&2, column 2, and column 4, lines 45-63).

As for **claims 2, 3, 11, 12, 20, 21**, Novik discloses a method wherein the at least one action includes instructing the tracked object to perform a tracked object activity. The tracked object activity includes several functions such as turning the ignition of a vehicle on (column 13, line 65 – column 14, lines 16).

As for **claims 4, 6, 13, 15, 22, 24**, disclosed is a method wherein the at least one action includes obtaining data indicating at least one status of the tracked object. The status of the tracked object may include location status (column 6, lines 3-13 and column 14, lines 40-54).

As for **claims 5, 14, 23**, it is inherent that the at least one status is obtained by Input/Output interface of the telemetry device.

Regarding **claims 7 and 16**, Novik discloses a method of receiving from the at least one corresponding telemetry devices, a message including an indication of at least

one status of the corresponding tracked object and transmitting to the web browser, display information including a display indicator of an alert based on the at least one status (column 4, lines 20-67 and column 12, lines 59-67).

Regarding **claim 10**, disclosed is a display device for managing a plurality of tracked objects associated with a corresponding telemetry device (column 6, lines 14-33). A web browser may be configured to process a request for at least one action to be performed by the at least one corresponding telemetry device, to display at least one geographical map indication of at least one location of each tracked object, and to transmit information for inclusion in a message for transmission to the corresponding telemetry device, the message including information indicating the at least one action (column 4, line 55 – column 6, line 2 and column 14, lines 1-15).

As for **claims 19 and 25**, Novik discloses a computer readable medium carrying one or more sequences of one or more instructions for prioritizing transmission of messages from a telemetry device (column 4, line 64-column 5, line 67). Novik also discloses the steps of receiving and transmitting as stated in the claim. Please refer to the discussion of claims 1 and 10 above for further explanation.

Regarding **claims 28 and 30**, Novik teaches all of the limitations set forth by the claim. Please refer to the claims above for a further explanation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9, 17, 18, 26, 27, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novik. Novik will be relied upon for the teachings as discussed above.

As for **claims 8, 9, 17, 18, 26, and 27**, Novik does not specifically disclose a method for preprocessing and transmitting information to a web browser. However, several means for processing and transmitting data over the Internet were well known at the time of the invention by the applicant. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to choose an appropriate means for communicating with a web browser.

Regarding **claims 29 and 31**, as best understood, Novik discloses a method for determining whether the at least one tracked object is within a specific range, when the tracked object is within the specific range, messages may be transmitted to the corresponding telemetry device (column 11, lines 40-64). Novik does not specifically disclose any type of "provider". However, Novik teaches that the use of prohibited zones will reduce monthly bills. This teaching suggests that the prohibited zones may include the service areas of a service provider. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to determine whether a vehicle is within the range of a service provider because this determination would allow users to reduce air time bills by limiting out of range communications.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Though not used in an art rejection Howard et al, Lang et al, and Thayer et al all teach fleet management systems. All other cited references disclose fleet management or data tracking devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636


JEFFERY HOFSSASS
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